

Matthew-Lane: Hassell

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**STATE OF NEW HAMPSHIRE
NEW HAMPSHIRE CIRCUIT COURT
10th CIRCUIT - FAMILY DIVISION - DERRY**

NH CIRCUIT COURT

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29th of August, 2023

U.S. District Court

District of New Hampshire

55 Pleasant Street

Room 110

Concord, NH 03301

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW HAMPSHIRE
ROCKINGHAM**

Matthew-Lane: Hassell authorized agent of) 10th CIRCUIT COURT

MATTHEW LANE HASSELL) FAMILY DIVISION-DERRY

Petitioner) CASE NO.: 656-2002-DM-00737

)

Vs.)

) 10th Circuit- Family Division- Derry

Devin Aileen Kimbark) 656-2022-DM-00737

Respondent)

MOTION TO VACATE ORDERS AND CHANGE VENUE

Comes now, Matthew-Lane; Hassell (here and after, known as Matt), a Propria Persona Sui Juris, who respectfully demands that this Honorable Court, grant him the relief sought, based

on the papers and pleadings which have been entered into the court record.

HISTORY:

- 1) In the original order, Judge Todd H. Prevett, issued the order ex parte. The hearing was held in the 9th Circuit-Family Division-Manchester on the 30th of November, 2023. I was unable to appear due to sickness, Covid and the flu. So since I did not have an attorney, the judge knowingly or unknowingly erred by having the ex parte hearing. The judge acted judicially without authority. There has not been a single affidavit and to my knowledge, not a single person testified under oath, against me, which deprives the judge of authority. To clarify none of the claims Devin Aileen Kimbark (here and after, known as Devin), are anything other than hearsay and should be disregarded.
- 2) I entered a motion to reconsider shortly thereafter, to establish another hearing, so I may plead my case and I was denied. I believe this is showing bias and or prejudice from the judge.
- 3) The judge ordered Devin to have sole decision making and sole residential responsibility and a restraining order against me. The judge again demonstrated prejudice against me by issuing these orders ex parte. I have the right to face my accuser before judgment is passed against me, it is called due process of law.
- 4) Orders were also issued for change of venue, to the 10th Circuit-Family Division-Derry, based unproven statements (which I claim is perjury) that was made about were (Phoenix Hassell and Devin Kimbark) were living, up until the 12th of November, 2023. Then Devin Kimbark chose to leave our family domicile and take our child from where Phoenix has lived since before her birth. It is a maxim of law; "that he who is in the wound is considered as born whenever it is for his benefit." Therefore, Phoenix was a legal resident and lawful inhabitant of the family domicile. Therefore the court and Phoenix should have remained in this jurisdiction. Again, the judge showed bias and prejudice in favor of the women without judicial authority.
- 5) In the judges narrative orders (Michael L. Alfano), on the hearing held on the 22nd of March, 2023, the judge gave a statement of jurisdiction (without proof of jurisdiction on the record) in his narrative orders the judge decided;
 - i) the most restrictive, supervised visitation possible. I am to be supervised by, not only by Devin, but Devin's family members as well;
 - ii) the judge ordered the highest amount of child support prescribed by law;
 - iii) the judge ordered me to drug testing drug testing, but did not do the same with Devin. Both parties admitted to drinking alcohol in their past but, I stopped before Devin was pregnant, Devin only stopped drinking after we found out she got pregnant, neither party admitted to using drugs recently;

iv) the judge has denied due process of law and equal protection under the law multiple times;

v) the above shows further bias and prejudice on behalf of the judge.

6) Following these decisions (orders), I have filed multiple motions for evidentiary hearings. On each instance I was contested by Devin through her attorney and denied by the judge. Devin, by and through her attorney, has made several claims, I have committed criminal activity, why would she not want the truth in evidence to come out? Perhaps it is because Devin is slandering my good name (libel when written) and did not want to be disproven. More importantly, why did the judge deny me evidentiary hearings to prove my side of the controversy? I hate to be repetitive, but again the judge is proving bias and prejudice, in violation of canons of law and his oath of office and his employment contract.

7) The judge repeatedly decides in favor of Devin, when all she offers the court is hearsay. I have entered multiple affidavits into the court record which the judge ignores. Another reason I wish to go to the federal courts is to clear my good name. I am not a Saint, but if Devin is going to continue with these lies in an attempt to get the upper hand and thereby denying me our child, she should have to do so under penalty of perjury. Then we can get down to the truth and she would have to retract her slanderous and libelous statements or face possible criminal charges under Title 18 U.S. Code § 1001 - Statements or entries generally.

8) Judge Kerry P. Steckowych (the third judge in this matter) has continued with the same biased and prejudiced acts. None of the three judges have proven my challenge of jurisdiction. The judges have not proven they are agents of government (Article III Courthouse judges). The judges did not prove they have a contract or other commercial agreement, that obligates me to obey their rules, codes, statutes, regulations or the like. The judges have not proven they have a valid warrant to seize my child. The judges have been unable to prove their authority and repeatedly denied me due process of law and equal protection under the law. I've been without protection from the government, whose only duty is to protect the rights of the citizens (people) for the past nine months and counting.

9) According to my understanding no State judge can decide in favor of either parent without being prejudiced due to the Social Securities Act-Title IV-D Section 458-Incentive payments to states. I have presented this truth to the court and the judge ignored it and did not respond in any medium reasonable under the circumstances. The judge neither addressed the issue nor denied the issue. He just ignored it and proceeded, depriving me of the natural right to my child. This may be seen as deliberate indifference and/or judicial misconduct and/or a fraud upon the court, amongst other crimes, if I am correct.

10) If state judges get paid by the federal government, in accordance with the Social Security Act based on one parent being ordered significantly more time and access to the child, such decisions can only and will always be seen as prejudicial therefore, until the Social Security Act is revised, striking such incentives from the record, all decisions ordering disproportionate amounts of child custody (visitation) and any amount of child support awards are void due to constitutional restrictions and violations of canons of law.

11) Since there can be no fair judicial hearing in any state court due to the Social Security Act as previously mentioned and cited, and since the judiciary of 10th Circuit - Family Division - Derry Court has failed to prove jurisdiction and has failed to act without bias and prejudice

has proven based on the papers and pleadings on file, I will be changing Venue to the U.S. District Court, at the earliest possible opportunity.

WHEREFORE, Petitioner, Matthew-Lane: Hassell, Matthew-Lane: Hassell a Propria Persona Sui Juris, respectfully request, demand and instruct that this Honorable Court honor the following relief requested:

- A. Grant Petitioner immediate 50/50 custodial grantorship of minor child with retroactive custodial parenting time to start immediately.
- B. Order both parties enjoy decision making responsibilities of child daycare and school and medical care.
- C. Change Venue to the Superior Federal Court, where such Article III Federal Judge can preside over this matter, in its entirety.
- D. Order an immediate Cease and Desist to the Bureau of Child Support Services wage garnishment and arrearages being sought against Petitioner.
- E. Grant Petitioner immediately and expeditiously the requested under Rule 2.9 Emergency and Ex Parte Relief of One Hundred thousand (\$ 100,000.00) U.S.D. or the maximum the Courts can release (as requested in the motion entered on the 4th of August, 2023).

NEW HAMPSHIRE RULES OF CIVIL PROCEDURE, PARENS PATRIAE
DOCTRINE

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U.C.C. 1-308 VOID WHERE PROHIBITED BY LAW

-Matthew-Lane: Hassell Dated: 29th of August, 2023
Matthew-Lane: Hassell authorized agent of
MATTHEW LANE HASSELL
45 Falcon Crest Way
Manchester, New Hampshire [03104]

I certify that a copy of the above mentioned motion has been hand delivered, forwarded by email and or sent by USPS mail to opposing counsel Attorney Jennifer L. Ditrapano.

Platsky v. C.I.A. United States Court of Appeals, Second Circuit Nov 24, 1991, 1953 F.2d 26 (2d Cir. 1991). Reversing district court for dismissing pro se complaint for lack of standing without explaining formalities of pleading and affording pro se plaintiff an opportunity to replead.